

State of Colorado



Bill Owens
Governor

Richard Djokic
Director

DPA

Department of Personnel
& Administration

State Personnel Board
The Chancery
1120 Lincoln St., Suite 1420
Denver, Colorado 80203
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AGENDA PUBLIC BOARD MEETING March 16, 2004

A public meeting of the State Personnel Board will be held on Tuesday, March 16, 2004, at the Colorado Department of Transportation, 4201 East Arkansas Avenue, Second Floor Auditorium, Denver, Colorado 80222. The public meeting will commence at 9:00 a.m.

Reasonable accommodation will be provided **upon request** for persons with disabilities. If you are a person with a disability who requires an accommodation to participate in this meeting, please notify Board staff at 303-764-1472 by March 11, 2004.

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I. REQUESTS FOR RESIDENCY WAIVERS

- A. March 1, 2004 Report on Residency Waivers

Reports are informational only; no action is required.

II. PENDING MATTERS - LEGISLATION

- A. House Bill 04-1373 - A Bill for an Act Concerning Modifications to the "State Personnel System Act"
- B. House Concurrent Resolution 04-1005 - Concerning Reform of the State Civil Service System
- C. Senate Bill 04-131 - A Bill for an Act Concerning Modifications to the Procedures for Handling an Employment Discrimination Complaint Filed by an Employee in the State Personnel System

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR ON APPEAL TO THE STATE PERSONNEL BOARD

There are no initial decisions or other final orders of the Administrative Law Judge or the Director for review on appeal to the Board this month.

IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR TO GRANT OR DENY PETITIONS FOR HEARING

- A. Art Robinson v. Regents of the University of Colorado, University of Colorado at Denver, State Personnel Board case number 2003G130.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing following Respondent's failure to perform a desk audit of Complainant's duties. On February 18, 2004, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be denied.

- B. Michael McNevin v. Regents of the University of Colorado, University of Colorado Health Science Center, Procurement Service Center, State Personnel Board case number 2003G134.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review Respondent's response to Complainant's grievance. On February 18, 2004, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be denied.

- C. Stacy Bishop v. Department of Corrections, Youthful Offender System, State Personnel Board case number 2004B018.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review Respondent's layoff resulting from another employee's exercise of retention rights and subsequent acceptance of vacant position. On February 18, 2004, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be denied.

V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR

- A. Richard D. Martinez and Katherine Baum v. Department of Corrections, State Personnel Board case number 2004B038 (C).

On February 19, 2004, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's disciplinary fines of Complainants were not arbitrary, capricious or contrary to rule or law, and ordered that Respondent's action is affirmed and Complainants' appeal is dismissed with prejudice.

VI. REVIEW OF THE MINUTES FROM THE FEBRUARY 17, 2004 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS FEBRUARY 17, 2004 PUBLIC MEETING:

- A. Victor Meyers v. Department of Corrections, Trinidad Correctional Facility, State Personnel Board case number 2003G138.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- B. Richard Lewis v. Department of Law, Attorney General's Office, Enforcement Section, State Personnel Board case number 2003G141.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- C. Joe Glenn v. Department of Corrections, Buena Vista Correctional Facility, State Personnel Board case number 2004G018

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

VIII. REPORT OF THE STATE PERSONNEL DIRECTOR - Paul Farley, Deputy Executive Director

In addition to providing the Report of the State Personnel Director, Mr. Farley will answer questions relative to the pending legislation, as referenced in Part II of this Agenda.

IX. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Budget Report and Revenue and Expense Report
- Cases Scheduled for Preliminary Review
- Cases on Appeal to the Board and to Appellate Courts
- Web Site Statistics (December 2003, January 2004, February 2004)
- Order Affirmed in Hendrix v. Department of Corrections, State Personnel Board case number 2002G091, Court of Appeals No. 02CA2024
- Mandate/Order Affirmed in Newkirk v. Department of Corrections, State Personnel Board case number 2000B065, Court of Appeals No. 02CA1324

B. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC

X. EXECUTIVE SESSION

- A. Case Status Report
- B. Minutes of the February 2004 Executive Session

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NEXT REGULARLY SCHEDULED BOARD MEETINGS

9:00 a.m.

<u>Date</u>	<u>Location</u>
April 20, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
May 18, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
June 15, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
July 20, 2004	Colorado Department of Natural Resources 1313 Sherman Street, Room 318 Denver, CO 80203
August 17, 2004	Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246
September 21, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
October 19, 2004	To be announced
November 16, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
December 21, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222